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Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

JUNE TERM 1974

DOCKET NO. 73-1753

APPELLANT'S PETITION FOR WRIT OF CERTIORARI, TO APPEAL FROM THE DECREE OF THE JUDGE OF PROBATE

RE: ESTATE OF JOHN CASSIDY

313 A. 2nd 435, (Me., 1974)

(Attorneys for Appellees)
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(Appellees)
JOHN F. CASSIDY, III,
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ROSELLE CASSIDY FLYNN,
JOAN CASSIDY STETSON,

APPELLANT (pro se)
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SUPPLEMENTARY MOTION

May 31, 1974

IN THE

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May 31, 1974

SUPPLEMENTARY MOTION

Under U.S.C. Rule 24, — (5), a new supplementary (intervening) case, not previously available to me, at the time of my last filing . . . became available (to me), this day, for the first time.

The Motion is made (if permissable) for leave to incorporate the following case into my recent Appeal, dated May 4, 1974.

On May 25, 1974, — The Atlantic Reporter (Maine Edition) published the case of:—

Weller vs. Sokol
318 A. 2nd 193, (Md.) 1974

It is ironically similar to my Appeal . . . which is presently before this Honorable Court.

Re:— Estate of John Cassidy
313 A. 2nd 435 (Me.) 1974
(And Murray or Sullivan 158 Me. 98)
(179 A. 2nd 307 (Me.) 1962)

Respectfully, may I say this case (Weller vs. Sokol) is "right on," -- and confirms my complaint.

For Example: —
At page 194; — (3) Wills, 498: —
The stipulated question was: —
(at page 197, — — (i),

(quote) "*Where are the stocks or stirps to be found?*"

At page 200,

(quote) " — — *that the stocks were to be found among the children who left ISSUE*".

(quote) *"The issue and descendants of such of my children as may have died leaving LAWFUL issue, — — — demonstrated that the testator was using the word 'issue' to mean 'ISSUE' OF ISSUE in an indefinitely descending line, — — — that he was importing a succession by representation from each of his children, just as if a child had died INTESTATE on the date of termination owning a share of the corpus AND leaving (lineal) DESCENDANTS SURVIVING".*

(My emphasis)

At page 199: —

Reference is made to:— "the simple fact" — that the draftsman was confined to the LEGAL situation which existed, as he knew it, at the time the will was made (1903).

Note:— It should be noted that the Cassidy Will was (also) made in (1906).

At page 199: —

(quote) " — — — *since rules of construction are applicable ONLY in the absence of an indicated intention*"; — — — "*and never to frustrate an intention.*" — — — *SURELY APPLICATION OF THE MAINE INTESTATE STATUTE, IS AN UNDENIABLE INTENTION.*

The Conclusion: —

At page 203, — — — (6): —

> Is the SAME application, of the Applicable statute of Distribution; — "as it existed in 1905." — — — IT CONFIRMS MY CONTENTION, — (and Mr. Cassidy's STIPULATION) that the laws of the State of Maine, must be PERMITED TO OPERATE, (ACCORDING TO STATUTORY LAW) — — — WHICH IS IN ESSENCE, THE DUE PROCESS, WHICH I RESPECTFULLY REQUEST TO HAVE PERFORMED.

The case of Weller vs. Sokol, proves that my Appeal is not frivolous. It requires a rational approach — which can only be resolved in a "LEGAL" MANNER.

Respectfully Submitted,

Edythe L. R. Dyer
c/o 61 State Street
Bangor, Maine

May 31, 1974